

RECIPROCAL ACCESS AGREEMENT SUMMARY

May 13, 2009

RIGHT OF WAY APPLICATION NO. 14856

I. Applicant: Stimson Lumber Company Inc.

II. Purpose of Reciprocal Access Agreement:

To establish legal access to the respective intermingled lands.

III. Legal Description:

State Lands - Section 8, T23N, R30W, Section 14, T25N, R27W, Section 8, T31N, R33W

Stimson Lands – Section 5,7,17, 31 and 33, all in T31N, R33W.

IV. General Information:

	State	Stimson	Total
Tributary Area:	1,277	3,180	4,457
Right of Way Area:	5.9	50.16	56.06
Miles of Road:	.81	6.9	7.71

Land Office: Northwestern

Unit Offices: Libby and Plains

Counties: Lincoln and Sanders

Beneficiary: CS - Public Schools and SM - School of Mines

Lessee Agreement: None

Land Classification: Forest

V. Costs to be Borne by Each Party:

Land values and road costs are summarized as follows:

	NET EXCESS COSTS	
	Stimson Owes State	State Owes Stimson
Land Value	0	\$36,392
Road Costs	0	\$17,418
Total Value/Costs	0	\$53,810
Amount Owed		\$53,810

VI. Results of MEPA Analysis:

No significant impacts are expected and no further analysis required

VII. Benefits to State:

1. Describe the rights regarding which DNRC lands are being accessed.

Provides permanent access for all lawful purposes, including utilities, to State Trust Lands in: Sections 8, 16 and 32, Township 31 North, and Range 33 West, Section 8, Township 23 North, and Range 30 West, and Section 14, Township 25 North, and Range 27 West.

2. Describe the public access situation and the effects of this agreement.

The public currently has access to State Land in Section 8, Township 23 North, and Range 30 West via the Blue Slide Road (county road). Sections 8 and 16, Township 31 North, and Range 33 West have public access via Forest Service Road #331 (Rabbit/O'Brien Road) and the Kootenai River respectively. Rabbit/O'Brien road is under the jurisdiction of the United States of America and is currently managed by the U.S. Forest Service, Kootenai National Forest, as an open road. The Stimson Lumber Company grant does not create any right in the public for access to State Land in Section 32, Township 31 North, and Range 33 West and Section 14, Township 25 North, and Range 27 West.

3. Describe other benefits associated with completing the agreement.

A. Provides legal access for the Iron School House Timber Sale.

B. Provides for an integrated transportation system which reduces road densities and potential resource impacts to water quality and wildlife habitat.

C. Right-of-way acquisition costs are shared under this agreement and thereby reduce access acquisition costs. Financial obligations for road maintenance, resurfacing, weed management, and road reconstruction, if need be, to current road standards are also shared.

D. Future Trust revenue through the 1% conveyance fee if Stimson Lumber Company Lands are subdivided. The easement from Stimson Lumber Company is assignable in part or in whole to lands now owned by State of Montana.

5. This is the first step in staged acquisitions in Sub-unit B of this agreement. The next step will be a cost share, now called Rabbit/O'Brien, with the Forest Service and an outright purchase, unless a different type of opportunity, on non-industrial private land, is discovered.

VIII. Recommendation/Action:

The Department recommends approval of this reciprocal agreement with Stimson Lumber Company.